



Agenda Date: 2/20/02

Agenda Item: IIIA

STATE OF NEW JERSEY

Board of Public Utilities

*Two Gateway Center
Newark, NJ 07102*

CABLE TELEVISION

IN THE MATTER OF THE PETITION OF)
COMCAST CABLEVISION OF GARDEN)
STATE, L.P. FOR RENEWAL OF A)
CERTIFICATE OF APPROVAL FOR MOUNT)
LAUREL TOWNSHIP, COUNTY OF)
BURLINGTON, STATE OF NEW JERSEY)

RENEWAL CERTIFICATE OF APPROVAL

DOCKET NO. CE98090984

Stryker, Tams & Dill, Newark, New Jersey, by Dennis Linken, Esq., for the Petitioner.

Township Clerk, Township of Mount Laurel, New Jersey, by Patricia Halbe, for the Township.

BY THE BOARD:

On November 9, 1978, the Board granted NYT Cable TV ("NYT") a Certificate of Approval in Docket No. 788C-6396 for the construction, operation and maintenance of a cable television system in the Township of Mount Laurel ("Township"). On January 21, 1989, the Board granted NYT a renewal Certificate of Approval in Docket No. CE88080974. In a transfer approved by the Board on July 26, 1989, in Docket No. CM89030342, NYT assigned the Certificate of Approval to Garden State Cablevision, L.P. ("Garden State"). Garden State was a limited partnership that was comprised of Lenfest Communications and Comcast LCI Holdings. On January 18, 2000, the Board approved the merger of Lenfest and Comcast LCI Holdings in Docket No. CM99110855. The holder of the Certificate changed its name to Comcast Cablevision of Garden State ("Petitioner"). Although the Petitioner's Certificate expired on November 9, 1998, it is authorized to continue to provide cable television service to the Township pursuant to N.J.S.A. 48:5A-25.

The Petitioner's predecessor filed an application for the renewal of its municipal consent with the Township on January 13, 1997, pursuant to N.J.S.A. 48:5A-23 and N.J.A.C. 14:18-13. The Township, after public hearings, adopted an ordinance granting renewal municipal consent to Garden State on August 3, 1998. The Petitioner's predecessor formally rejected the terms and conditions of the ordinance on August 26, 1998.

On September 21, 1998, pursuant to N.J.S.A. 48:5A-17(d), the Petitioner's predecessor filed with the Board for a renewal of its Certificate of Approval for the Township. The Petitioner's

predecessor alleged that the Township, by adopting an ordinance granting renewal municipal consent that contained language which the Petitioner's predecessor found objectionable, was arbitrary, capricious and its decision was unsupported by the record.

Discussions took place between the parties that culminated in a settlement that resolved the matter and did not require an amendment to the ordinance. On April 13, 2001, the parties signed a Stipulation of Consent to include clarification of language of the Township's ordinance and which is attached to the Certificate (Appendix "I"). The Stipulation of Consent is incorporated in its entirety as if set forth herein. The Petitioner filed an amended petition with the Board on April 20, 2001.

The Board has reviewed the application for municipal consent, the petition and amended petition for a Renewal Certificate of Approval and the municipal consent ordinance. Based upon this review and the recommendation of the Office of Cable Television, the Board HEREBY FINDS the following:

1. The Petitioner possesses the requisite legal, character, financial and technical qualifications for the awarding of a Certificate of Approval. Further, these qualifications were reviewed by the Township in conjunction with the municipal consent process. See N.J.S.A. 48:5A-22 to 29 and N.J.A.C. 14:18-13.
2. The design and technical specifications of the system shall ensure that the Petitioner provides safe, adequate and proper service.
3. The Petitioner has represented that all previously required construction within the franchise territory is complete.
4. The franchise period as stated in the ordinance is ten years. The Board finds this period to be of reasonable duration.
5. The Township has reserved the right to review the performance of the Petitioner with regard to the ordinance and to seek redress administratively through the Board. Any determination by the Township that the Petitioner has failed to substantially comply with the material terms and conditions of the ordinance shall occur after notice and an opportunity to cure said deficiency. Upon issuance of any such findings of non-compliance, the Township may petition the Board for appropriate administrative action, including revocation of the franchise.
6. The Petitioner shall utilize the line extension policy ("LEP") attached to the Certificate (Appendix "II") for residential areas. The minimum homes per mile ("HPM") figure is 30. All commercial areas, including residential units that are located in those commercial areas, will be constructed on a cost basis pursuant to the Petitioner's tariff.
7. The Petitioner's rates shall be regulated and tariffs shall be filed for all services, in accordance with the rules and regulations of the Federal Communications Commission, the Board and the Office of Cable Television. The Petitioner shall maintain informational tariffs for unregulated service rates, and promptly file any revisions thereto.
8. Pursuant to N.J.S.A. 48:5A-26(b), the ordinance specifies a complaint officer. In this case, it is the Office of Cable Television. All complaints shall be received and processed

in accordance with N.J.A.C. 14:17-6.5.

9. The Petitioner shall maintain a local business office or agent for the purpose of receiving, investigating and resolving complaints. The Petitioner currently maintains local offices located at: 1250 Haddonfield-Berlin Road, Cherry Hill; 558 Lakehurst Road, Browns Mills; and 144 S. Broadway, Pitman.
10. The franchise fee to be paid to the Township is specified to be 2% of the Petitioner's gross revenues from all recurring charges in the nature of subscription fees paid by subscribers for its cable television reception service in the Township. Additional regulatory fees shall be paid to the State in an amount not to exceed 2% of Petitioner's gross operating revenues derived from intrastate operations. The Board finds these fees to be reasonable.
11. In accordance with its application and the municipal consent ordinance, the Petitioner shall provide public, educational and governmental ("PEG") access facilities. The Petitioner shall provide one shared PEG access channel. An SVHS camcorder and microphone will be made available for non-commercial access users.
12. The Petitioner shall provide, at no charge, the standard installation and basic monthly service to one outlet to all qualified municipal facilities, schools and libraries, within the Township.

Based upon these findings, the Board HEREBY CONCLUDES that, pursuant to N.J.S.A. 48:5A-17(a) and 28(c), the Petitioner has sufficient financial and technical capacity and meets the legal, character and other qualifications necessary to construct, maintain and operate the necessary installations, lines and equipment and is capable of providing the proposed service in a safe, adequate and proper manner.

Therefore, the Petitioner is HEREBY ISSUED this Renewal Certificate of Approval as evidence of Petitioner's authority to construct and operate a cable television system within the entirety of the Township.

This Certificate is subject to all applicable State and federal laws, the rules and regulations of the Office of Cable Television, and any such lawful terms, conditions and limitations as currently exist or may hereafter be attached to the exercise of the privileges granted herein.

The Petitioner shall adhere to the operating standards set forth by the Federal Communications Commission's rules and regulations, 47 C.F.R. Section 76.1 et seq. Any modifications to the provisions thereof shall be incorporated into this Certificate. Additionally and more specifically, the Petitioner shall adhere to the technical standards of 47 C.F.R. Part 76, Subpart K.

Failure to comply with all applicable laws, rules, regulations and orders of the Board or the Office of Cable Television and/or the terms, conditions and limitations set forth herein may constitute sufficient grounds for the suspension or revocation of this Certificate.

This Renewal Certificate is issued on the representation that the statements contained in the Petitioner's applications are true, and the undertakings therein contained shall be adhered to and enforceable unless specific waiver is granted by the Office of Cable Television pursuant to the authority contained in N.J.S.A. 48:5A-1 et seq.

This Certificate shall expire November 9, 2008.

DATED: February 20, 2002

BOARD OF PUBLIC UTILITIES
BY:

(signed)

JEANNE M. FOX
ACTING PRESIDENT

(signed)

FREDERICK F. BUTLER
COMMISSIONER

(signed)

CAROL J. MURPHY
COMMISSIONER

(signed)

CONNIE O. HUGHES
COMMISSIONER

ATTEST:

(signed)

HENRY M. OGDEN
ACTING BOARD SECRETARY